

response to the Office Action, applicant submits the following remarks.

#### REMARKS

The Office Action has been received and reviewed. Applicant submits the following remarks in response to the Office Action. In view of these remarks, applicant respectfully requests allowance of the claims.

##### 1. Rejection Of Claims 1-20 - 35 U.S.C. 103

At section two of the Office Action, claims 1-2, 5-12 and 15-20, and then later claims 3-4 and 13-14, were rejected as being unpatentable over U.S. Pat. No. 5,876,868 (Tanida) in view of U.S. Pat. No. 6,322,921 (Iwaizono et al.). At line 4 of section 2, a reference is made to "Alexandres," but there is no identifying patent number. Line 13 of section 2 appears to indicate that Tanida should have been cited instead of "Alexandres." Applicant assumes the reference at line 4 of section 2 to "Alexandres" should have read "Tanida."

The arguments made at section 2 of the Office Action in support of rejecting claims 1-2, 5-12 and 15-20 are identical to those set forth in Paper No. 8. Applicant respectfully submits the rejection of claims 1-2, 5-12 and 15-20 on these grounds is improper for the reasons set forth in the *Response To Paper No. 8* and for the reasons set forth below. Claims 3 and 4 depend from claim 1, and claims 13 and 14 depend from claim 9, and therefore claims 3/4 and 13/14 include the limitations of the claims from

which they depend. Consequently, the arguments supporting allowance of claims 1 and 9 are equally applicable to claims 3/4 and 13/14, respectively. Applicant respectfully requests that the arguments set forth in the *Response To Paper No. 8* be carefully reviewed, fully considered, and further considered in view of the following additional arguments.

In the *Response To Paper No. 8*, applicant argued that a sleeve is a tubular part, and Tanida's cap member 3 is not a tubular part nor does Tanida suggest the cap member 3 should be a tubular part. At page 4 of the Office Action, it was argued that the independent claims 1, 9 and 17 do not recite a tubular part. This ground for rejection must be withdrawn.

Applicant respectfully submits that according to Merriam-Webster's Collegiate Dictionary, 10<sup>th</sup> Edition, the word "sleeve" has the following definition: "2a: a tubular part (as a hollow axle or a bushing) designed to fit over another part." It is respectfully submitted that Tanida's cap member 3 is not a tubular part nor does Tanida suggest the cap member 3 should be a tubular part, and therefore, Tanida's cap member 3 is not a sleeve, as required by claims 1, 9, and 17. Iwaizono et al. fails to make up for this deficiency of Tanida. Consequently, Tanida in view of Iwaizono et al. does not render the present invention obvious, and the rejection of claims 1-2, 5-12 and 15-20, as well as the dependent claims 3, 4, 13 and 14, must be withdrawn.

In the *Response To Paper No. 8*, applicant argued that the thin ring-like PTC element 4 of Tanida is not a terminal cap because the ring-like PTC element 4 is not an "end, extremity, boundary or terminus", and also that it is not attached to "an electrical apparatus for convenience in making connections." In response, it was argued in the Office Action that Figure 2 of the application shows a terminal cap 43, but "does not show any terminal or pin having function to teach an electrical contact between the sleeve and the housing." It is respectfully submitted that the claims do not require a terminal or pin having the function of providing an electrical contact *between the sleeve and the housing*. The terminal cap 43 is electrically connected to the second lead 57. See page 9, lines 3-9. As stated in the *Response To Paper No. 8*, the thin ring-like PTC element 4 of Tanida is not a terminal cap because the ring-like PTC element 4 is not an end, extremity, boundary or terminus, and it is not attached to an electrical apparatus for convenience in making connections. Therefore, the ring-like PTC element 4 of Tanida is not a terminal cap. Consequently, Tanida fails to render the present invention obvious under 35 U.S.C. 103, and Iwaizono et al. fails to make up for the deficiencies of Tanida.

The arguments above are applicable to claim 17, and there are additional arguments in favor of allowing claim 17. In the *Response To Paper No. 8*, applicant argued that Tanida does not suggest a terminal pin extending into a contact hole of a protective housing. At page 6 of the Office Action, it was argued that "Tanida discloses a battery (1) having a lead (col. 2, line 31) extending through a stripper member (7) capable of

being a panel nut having a contact hole (see figure 1)." It is respectfully submitted that that argument is fatally flawed and can not be used to support rejection of the claims for at least two reasons. First, Tanida does not state that a lead extends through the stripper member 7. Tanida only says that stripper member 7 is in contact with a lead of a power-generating element of the battery. At col. 2, lines 30-34, Tanida states,

Reference numeral 7 designates a stripper member which is disposed such that it is in contact with a lead of a power-generating element of the battery 1 and, with an increase of the pressure in the battery, is deformed to break the lead and thus cut off current between the safety valve 5 and the lead.

Therefore, Tanida does not disclose a battery (1) having a lead extending through a stripper member (7) capable of being a panel nut having a contact hole, as argued at page 6 of the Office Action.

The second reason the argument in the Office Action at page 6, lines 3-5 is flawed is that stripper member 7 is not a panel nut. A "nut" is used for tightening or holding something else, and the stripper member 7 is not used for tightening or holding something else. Instead, the stripper member 7 is used for breaking the lead in the event there is an increase of pressure in the battery. It is respectfully requested that the arguments made at page 6 of the Office Action be withdrawn.

Further with regard to claims 1, 9 and 17, in the Office Action it appears there is an argument to the effect that the hole in Tanida's stripper member 7 is equivalent to the contact hole in the protective housing that is recited in the claims. Applicant respectfully submits that Tanida's stripper member 7 is not a "protective housing", because it is not a housing. A housing is an enclosure, and the stripper member 7 is not. Furthermore, Tanida's Figures 2 and 3 show a portion of the safety valve 5 extending into and solely occupying a hole in the stripper member 7, and therefore, Tanida's Figures 2 and 3 do not show a terminal pin of a battery extending into the hole in stripper member 7. For all the reasons identified above, Tanida in view of Iwaizono et al. does not render the present invention obvious.

At section two of the Office Action (see page 5), it was argued that claims 3-4 and 13-14 are obvious under 35 U.S.C. 103(a). This argument is merely a repackaged version of the grounds used to justify rejection of claims 1-2, 5-12 and 15-20. As such, the argument supporting rejection of claims 3-4 and 13-14 is flawed for the reasons discussed above, and must be withdrawn.

In addition, the limitations of claims 13 and 14 were misstated in the Office Action. Claims 13 and 14 require that the fastener join the base to the terminal pin of the battery. Tanida's stripper member 7 does not join the base of a protective housing to a terminal pin of a battery. For this additional reason, and the reasons identified above, claims 13 and 14 are

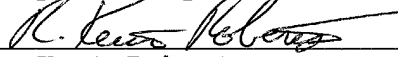
not rendered obvious under 35 U.S.C. by Tanida in view of  
Iwaizono et al.

CONCLUSION

In view of the foregoing remarks, it is respectfully submitted a full and complete response to the Office Action has been made. The claims are in condition for allowance, and allowance of the claims is respectfully requested.

The Examiner is invited to call applicant's attorney if any questions remain following review of this response and review of the *Response To Paper No. 8*. If it will help the examiner, the undersigned is willing to explain by telephone or in person, the reasons the claims are allowable.

Respectfully submitted,

  
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